

REMARKS/ARGUMENTS

In the specification, paragraph [022] has been amended to correct a typographic error, changing “string” to “strong,” and to correct a grammatical error.

Claims 1 - 11 remain in the application. Claims 1 and 8 have been amended. Claims 2 – 7 remain as originally filed. Claims 9 – 11 are new.

The Examiner rejected claims 1, 3, 4 and 8 as anticipated by Couture, U.S. Patent No. 4,926,533 and DiCarlantonio, et al., U.S. Patent No. 4,163,817. Claim 2 was also rejected as anticipated by Couture.

The Examiner has acknowledged that claims 5 – 7 are directed to allowable subject matter, but objectionable in form as dependant upon an unallowable claim.

Claim 1 has been amended to replace the capitalized “An” with the lowercase “an”.

Claim 1 has also been amended to replace the term, “in communication” with the term, “fastened”. By this amendment, the scope of Claim 1 is adjusted to apply those apparatuses wherein the proximal end is fastened, mechanically attached or bonded to the duplex jaw, rather than merely being in proximal contact with the duplex jaw.

Claim 1 has also been amended to specify that the attachment rod has a proximal and a distal end.

Finally, Claim 1 has been amended to specify that the function of the clamping means includes passing the distal end of the attachment rod through the holes in the plate.

Applicants believe that Claim 1, as amended, is not anticipated by Couture. Couture teaches of a screen repair system for repairing a damaged screen (1), comprised a patch (14) which is held in place over one surface of the damaged screen by a plurality of staples (16). Each staple has a central bight and two legs (col. 3, lines 17-18). The patch is made of a similar material or fabric as the damaged screen (col. 3, line 11).

Couture does not anticipate Claim 1, as amended for three reasons. First, Claim 1 includes a limitation that the plate has a plurality of holes equal to the number of duplex jaws. In Couture, each staple requires two holes through the patch, one for each leg. Thus, in Couture, the number of holes in the patch must be at least double the number of staples for the Couture invention to be enabled. The two legs must pass through different holes in the screen in order for the bight to engage the opposite face of the screen (col. 2, line 24) and compress the thickness of the wire (col. 3, lines 28-29).

Each of the individual legs of the staple is not equivalent to a duplex jaw, as it is bent over and would only have one end, and could not have a raised flat section at either end.

Second, the plungers (34) in Couture, which were identified by the Examiner as analogous to the attachment rod of the present invention, are not fastened to the staples, as specified in amended Claim 1. The plungers merely press against the outer surface of the bight of each staple, supporting it while the two legs are bent over the patch.

Finally, neither end of any of the plungers (34) in Couture passes through the holes in the patch (14), whereas Claim 1 specifies that distal end of the attachment rods does pass through the holes in the plate.

Thus, for these reasons, Applicants believe that the rejection of Claim 1 in view of Couture has been traversed.

Applicants do not believe that each and every element of Claim 1, as amended, is taught by DiCarlantonio. The Examiner identified the connecting pin and the surface of one of the compressed ribs as forming a duplex jaw with an incurved upper surface and two flat ends. However, these two flat ends are not parallel to, but rather perpendicular or orthogonal to the plane of the lower surface of the screen. Claim 1, as amended, is limited to screen repair apparatus with duplex jaws having two flat ends parallel to the surface of the screen.

Further, the analogy of the attachment rod found in DiCarlantonio, namely the base of the connecting pin, does not have one end (proximal) fastened to the duplex jaws and another passing through the hole in the plate, as limited in amended Claim 1. Only the connecting pin itself, which the Examiner designated as the analogy of the duplex jaw, passes through the retention hole.

In addition, the “base section of pin” (i.e. the attachment rod analogy) does not have a proximal end disposed orthogonally to the center of the connecting pin (duplex jaw). Depending on what structure the Examiner considered as the “base section of pin,” it either is coaxial, not orthogonal (if considering the section of the pin adjacent to the plate) or does not have a proximal end (if considering the portion of the plate itself adjacent to the connecting pin).

Finally, the base section of the pin is not fastened to the duplex jaws between the flattened areas of the two ends; it is instead fastened at one end of the connecting pin, adjacent to and outside of one flat area.

For the foregoing reasons, Applicants believe it has traversed the rejection of Claim 1 for anticipation by DiCarlantonio.

Claims 2, 3, and 4 are dependent upon Claim 1 and incorporate all the limitations therefrom. If an independent claim is not anticipated, then neither is any claim dependent thereon.

Claim 8 was amended to add, in the step of registering a clamping arm, a limitation that the attachment rod is elongated and that one end of the attachment rod is fastened to the center of the duplex jaw, with the other end of the attachment rod passing through the screen and engage with a hole in the plate.

The “engaging a clamping means” step was amended to specify that the compression of the lower surface of the plate and the flat areas of the duplex jaw are in parallel against either side of the screen element.

In addition, the last step was amended to revise the phrase, “against either side of the screen,” to “against either surface of the screen” to be more descriptively accurate.

Applicants believe that amended Claim 8 is no longer anticipated by both Couture and DiCarlantonio. Claim 8 specifies the use of a clamping arm, comprised of a duplex jaw that has two flat areas on the upper surface and an attachment rod passing through a plate and engaging with one of the holes in the plate. Couture, on the other hand, teaches of a staple, with two legs, each passing through a separate hole in the plate, and having a bent section secured to the screen. If the staple *in toto* is considered analogous to the clamping arm, it does not anticipate Claim 8 because the staple must pass through two holes (one for each leg of the

staple). If each leg of the staple is considered analogous to the clamping arm, then again Claim 8 is not anticipated because each duplex jaw has only one flat area, engaging with the lower surface of the screen.

Neither does DiCarlantonio anticipate Claim 8. Claim 8 specifies that, ". . . the flat areas of the duplex jaws engage with the lower surface of the screen." In DiCarlantonio, each of the connecting pins and its four ribs engage the other assembly, specifically the smaller exit opening of the retention hole. The two flat ends of the analogous duplex jaw on the connector pin do not engage with the surface of the screen.

Further, the lower surface of the plate and the flat areas of the duplex jaws are not, in DiCarlantonio, compressed in parallel with the screen surface.

Thus, for the foregoing reasons, Applicants do not believe that the present invention is anticipated by either Couture or DiCarlantonio.

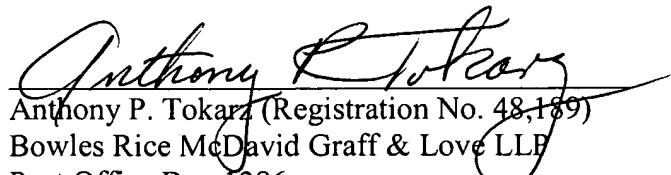
New Claim 9 is Claim 5 written in independent form based on independent Claim 1 as originally filed, which the Examiner found contained allowable subject matter and was objectionable in form only. New Claim 9 traverses that objection.

New Claim 10 is Claim 6 written in independent form based on independent Claim 1 as originally filed, which the Examiner found claimed allowable subject matter and was objectionable in form only. New Claim 10 traverses that objection.

New Claim 11 is dependent upon Claim 10. It overcomes the objection as to form.

Wherefore, the Applicants believe the rejections and objections of the Examiner and requests proceeding to issue of a Notice of Allowance.

Respectfully submitted,


Anthony P. Tokary (Registration No. 48,189)
Bowles Rice McDavid Graff & Love LLP
Post Office Box 1386
Charleston, WV 25325-1386
(304) 347-1100